

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

RICHARD ERBY, ET AL.,

Plaintiffs,

V.

STATE OF TENNESSEE, ET AL.,

Defendants.

Case No. 2:23-cv-02298-SHM-tmp

**ORDER DISMISSING CERTAIN PLAINTIFFS
FOR FAILURE TO NOTIFY COURT OF PRESENT ADDRESS**

On May 10, 2023, Plaintiffs (1) Richard Erby, (2) Robert L. Love, (3) Jerrahmiah J. Rankins, (4) Dangelo C. Reid, (5) Rodricus Brown, (6) LaTerrance Stewart, (7) Antonio Whitmore, Jr., (8) Jutarian D. Malone, (9) Lavell Pennington, and (10) Szumanki Stroud (collectively, the “Plaintiffs”) filed a *pro se* complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1.)

On August 8, 2023, the Court entered an Order Denying Motion to Proceed *In Forma Pauperis*; Directing Plaintiffs to Comply with 28 U.S.C. § 1914(a)-(b) and § 1915(a); and Directing the Clerk to Send Forms to Plaintiffs. (ECF No. 4.) The Court directed the plaintiffs to “notify the Court immediately, in writing, of his change of address” if they are transferred to a different prison or released. (*Id.* at PageID 83.) Plaintiffs were advised that “[f]ailure to abide by this requirement may result in the dismissal of the non-compliant Plaintiff’s claims without further notice, for failure to prosecute. If the mailed Order is returned as undeliverable, the Court will dismiss the pertinent Plaintiff’s claims in the case, for failure to notify the Court of that Plaintiff’s

present address.” (*Id.*) Copies of the *in forma pauperis* affidavits and the Order were mailed to all plaintiffs.

Mail has been returned as undeliverable for Plaintiffs Love, Stewart, Pennington, Reid, and Whitmore. (*See* ECF Nos. 7, 8, 10, 11, 12, 13, 14, 15 & 16.) The most basic responsibility of a litigant is to keep the Court advised of his whereabouts. Plaintiffs Love, Stewart, Pennington, Reid, and Whitmore were directed to do so in the August 8, 2023 order, but each of these plaintiffs has failed to provide the Court with a current address.

Therefore, it appears Plaintiffs Love, Stewart, Pennington, Reid, and Whitmore have abandoned this action. Accordingly, Plaintiffs Love, Stewart, Pennington, Reid, and Whitmore are DISMISSED without prejudice from this action for failure for failure to notify the Court of a present address.

IT IS SO ORDERED this 12th day of February, 2024.

/s/ Samuel H. Mays, Jr.

SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE